

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

KISHA JOHNSON,

Plaintiff,

-vs-

MOHAWK CARPET

TRANSPORTATION OF GEORGIA,

LLC and CHARLES J. BENJAMIN,

Defendants.

Case No. CIV-20-0665-F


**ORDER**

On January 5, 2022, the court entered an order (doc. no. 32) directing plaintiff Kisha Johnson to secure an entry of appearance by other counsel or enter an appearance *pro se* on or before February 4, 2022. The court advised plaintiff that failure to comply with the court's directive may result in the dismissal of this case without prejudice to refiling.

The record of this case reflects plaintiff has neither secured an entry of appearance by other counsel nor entered an appearance *pro se* as directed by the court. Because plaintiff has not complied with the court's January 5, 2022 order as directed, and has failed to indicate a willingness to further prosecute this case, the court finds that this case should be dismissed without prejudice to refiling pursuant to Rule 41(b), Fed. R. Civ. P. *See, Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10<sup>th</sup> Cir. 2003) ("Although the language of Rule 41(b) requires that the defendant file a motion to dismiss, the Rule has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders.")

Accordingly, this case is **DISMISSED WITHOUT PREJUDICE** to refiling pursuant to Rule 41(b), Fed. R. Civ. P. A separate judgment shall issue forthwith.

DATED this 8<sup>th</sup> day of February, 2022.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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